

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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Before the court is Defendant's Motion for Bail Pending Decision (#108)¹, the Government's Response to the Motion (#109) and Defendant's Reply to the Government's Response (#111).

18 In this case, the court sentenced Defendant to eighty-one (81) months of custody on April
19 11, 2013. At the time of her sentencing, the court granted Defendant's request for self-surrender
20 and set the surrender date for June 10, 2013. The court further provided that upon satisfactory
21 proof of the scheduling of pending surgery for Defendant's child that her surrender date would be
22 extended. Thereafter, on May 24, 2013, her newly substituted counsel filed a Motion to Extend
23 Turn-In Date (#91) accompanied with Surgery Center records indicating that her child was
24 scheduled for dental surgery on July 9, 2013. The court extended Defendant's self surrender to
25 July 17, 2013.

26 On May 30, 2013, Defendant filed a Motion Under Title 28 U.S.C. § 2255 to Vacate, Set
27 Aside or Correct Sentence by a Person in Federal Custody. The twenty (20) page motion is

¹ Refers to the court's docketing number.

1 accompanied with a twenty-two (22) page memorandum of supporting points and authorities and
2 some sixty-one (61) pages of exhibits. The court has ordered a responsive pleading by the
3 Government by July 22, 2013, with any reply due within fifteen (15) days thereafter.

4 Defendant has characterized her pending motion as a Motion for Bail Pending Decision
5 upon the § 2255 motion (#108). The court does not view this issue as one for bail pending
6 decision upon Defendant's motion as much as whether there are grounds to extend Defendant's
7 self surrender date, which has previously been authorized.

8 It appearing that the § 2255 motion will be decided within ninety (90) days and good
9 cause appearing, and in the interests of justice, the Defendant's self surrender date shall be
10 extended until Thursday, October 17, 2013, before noon. Defendant's current conditions of
11 release shall continue.

12 Defendant's Motion for Bail (#108) is DENIED as moot.

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IT IS SO ORDERED.

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DATED this 16th day of July, 2013.

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18 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE

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